

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,
Plaintiffs,
v.
CITY OF OAKLAND, et al.,
Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER APPOINTING
COMPLIANCE DIRECTOR

Pursuant to the December 12, 2012 order, the Court hereby appoints Thomas C. Frazier to serve as the Compliance Director. Commissioner Frazier's resume is attached to this order. He will begin on March 11, 2013, and will re-locate to the Oakland area.

On March 4, 2013, Defendant City of Oakland filed a response detailing the monetary compensation received by the Chief of Police and City Administrator. The City reported that the annual monetary compensation paid to the Chief of Police is \$257,973, including a base salary of \$221,998 and longevity pay, a uniform allowance, and an education premium totaling \$35,975. The City reported that the City Administrator receives annual monetary compensation of \$282,000, including a base salary of \$273,000 and an auto allowance of \$9000. The City did not include in these figures "vacation, executive leave, or other types of leave or benefits that an employee has the option to cash out or use." Defs.' Mar. 4, 2013 Response at 2. The City did not indicate any projected changes to the reported compensation.¹

¹The Court interprets the City's silence on this matter to indicate that the Chief of Police and City Administrator will not receive any cost-of-living or other annual increases over the next three years. *See* Mar. 1, 2013 Order at 1 ("The filed information shall include any projected increases or decreases over the next three years."). If there are any such increases during the Compliance Director's term, the Court may modify the Compliance Director's salary accordingly.

The Court finds good cause for the Compliance Director to be paid more than the Chief of Police but less than the City Administrator. The Compliance Director shall therefore receive annual monetary compensation of \$270,000. The Court finds it prudent to have the Compliance Director's salary paid through the Court. Accordingly, the City shall deposit \$270,000 into the Court's registry by wire no later than **March 25, 2013**.² The Clerk of Court shall disburse \$20,769.22 to the Compliance Director during the second week of April 2013, to compensate the Compliance Director for his first four weeks of service. Thereafter, the Clerk shall disburse \$10,384.61 to the Compliance Director on a biweekly basis.³ The Court will order subsequent deposits each year that the Compliance Director remains in place. Whenever the Compliance Director's service is terminated, the Clerk shall disburse to the City the balance of funds on deposit in the registry, including any earned interest.

As previously ordered, the Compliance Director shall also receive benefits commensurate with those of the Chief of Police and City Administrator, including any leave or benefits that may be used or cashed out. The Compliance Director and the City Administrator shall reach an agreement concerning benefits no later than **March 25, 2013**. Nothing in that agreement shall alter the Compliance Director's status as an agent of the Court, and not an employee of or contractor to the City. If the City wishes to designate a different individual who will be responsible for reaching agreement with the Compliance Director, it must file a statement with the Court designating that individual on or before **March 11, 2013**.

²The Court requires funds to be deposited by wire because of the time required for checks to clear and so that the Compliance Director can be paid within one month of the effective date of his appointment. If the City prefers to deposit a portion of the funds by wire and a portion by check, at least \$45,000 must be deposited by wire. The City must deposit the entire \$270,000 – whether by wire or by a combination of wire and check – no later than March 25, 2013.

³To account for rounding, the Clerk shall include in the last biweekly disbursement for each twelve-month period the remaining balance of the principal deposited for that year's salary.

Any staff for the Compliance Director shall, upon the Court's approval, also be paid through the Court's registry. The City shall pay directly for all other costs related to the Compliance Director's work.

IT IS SO ORDERED.

Dated: 03/04/13



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT